



S/N 09/965,429

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Salah Obied et al.

Examiner: Andre R. Fowlkes

Serial No.: 09/965,429

Group Art Unit: 2192

Filed: September 27, 2001

Docket No. 1842.230US1 (47079-0105)

Title: GENERATING SOFTWARE FOR A WAGERING GAME

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are submitted with this request.

This request is being filed with a Notice of Appeal. The review is requested for the following reasons:

§102 Rejection of the Claims

Claims 1-2, 4-12, 35-37 and 40-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Quatrani ("Visual Modeling with Rational Rose 2000 and UML"; hereinafter referred to as Quatrani).

EXAMINER HAS NOT SHOWN ALL ESSENTIAL ELEMENTS NEEDED FOR A PRIMA FACIE REJECTION

Applicant submits that the Examiner has omitted one or more essential elements needed for a *prima facie* rejection. In particular, the cited references do not teach or suggest all the claim elements of each rejected claim. The discussion below addresses each of these points.

THE REFERENCES DO NOT TEACH OR SUGGEST ALL THE CLAIM ELEMENTS

Discussion of Claim 1

Claim 1 recites, "presenting a wagering game having a randomly selected outcome... and receiving a wager associated with the wagering game." This feature is not taught or suggested by Quatrani. The Examiner asserts that Quatrani teaches this claim feature at page 16, lines 7-8. The cited passage in Quatrani states, "The Rational Rose product family is designed to provide the software developer with a complete set of visual modeling tools for development of robust,

efficient solutions to real business needs in the client/server, distributed enterprise, and real-time systems environments.”¹ The Examiner asserts, “The Rational Rose product family is designed to provide the software developer with a complete set of visual modeling tools for development of ... (any kind of software applications).”² However, Applicant submits that the Examiner has mischaracterized Quatrani. Quatrani’s discussion of software development tools does not teach or suggests claim 1’s “presenting a wagering game having a randomly selected outcome... and receiving a wager associated with the wagering game.” For at least this reason, Applicant submits that Quatrani does not teach or suggest each and every element of claim 1.

Discussion of Claims 35, 36, 40, and 41.

Each of claims 35, 36, 40, and 41 include features similar to those noted in the discussion of claim 1. For at least these reasons, Applicant submits that Quatrani does not teach or suggest each and every element of claims 35, 36, 40, and 41.

Discussion of Claims 2, 4-12, 37 and 42-44

Claims 2, 4-12, 37 and 42-44 each depend, directly or indirectly, on one of claims 1, 35, 36, 40, or 41. For at least the reasons noted above, Applicant respectfully submits that Quatrani does not teach or suggest all the elements of claims 2, 4-12, 37 and 42-44.

¹ Quatrani at page 16, lines 7-8.

² Office Action mailed 04/06/2006 at page 3.

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CONCLUSION

Applicant respectfully requests review of the final rejection in the above-identified application, as the Examiner has omitted has or more essential elements needed for a prima facie rejection. The Examiner is invited to telephone Applicant's attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SALAH OBIED ET AL.

By their Representatives,

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Date 7/5/2006

By



Andrew DeLizio
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of July, 2006.

Name

Peter Rebuttoni

Signature

